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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Subregional Centre for Human Rights and Democracy in Central Africa

Report of the Secretary-General*

Summary

The present report is submitted pursuant to General Assembly resolution 68/174 on the United Nations Subregional Centre for Human Rights and Democracy in Central Africa. It presents the activities of the Centre from 1 January 2014 to 31 July 2015 in the context of deteriorating security and humanitarian conditions in the subregion. The report highlights in particular challenges created by increasing and indiscriminate attacks by Boko Haram on the civilian population in Cameroon and Chad and the consequences of the crisis in the Central African Republic. Finally, the report outlines opportunities for further engagement, as well as challenges.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. The Subregional Centre for Human Rights and Democracy in Central Africa was established in 2001 at the request of the member States of the Economic Community of Central African States (ECCAS), pursuant to a resolution adopted by the United Nations Standing Advisory Committee on Security Questions in Central Africa in April 1994, in Yaoundé, and General Assembly resolutions 53/78 A and 54/55 A.

2. The Centre also operates as the regional office for Central Africa of the Office of the United Nations High Commissioner for Human Rights (OHCHR), covering the 10 member States of ECCAS (Angola, Burundi, Cameroon, the Central African Republic, Chad, the Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe) and Rwanda. In accordance with its mandate, the Centre works for the promotion and protection of human rights and democracy through dialogue, advocacy, technical assistance and advisory services to Governments, parliaments, national human rights institutions, civil society, including media, and United Nations country teams.

3. The Centre has 13 staff members: a Director, a Regional Adviser on Democracy, two Human Rights Officers, one National Programme Officer, one Communications and Advocacy Associate, two Programme Assistants and five support staff. The Centre also benefits from a fellowship programme established since 2002, which has involved young professionals from Cameroon, the Congo, Equatorial Guinea and Gabon.

4. The present report covers the period from 1 January 2014 to 31 July 2015. It describes the context in which the Centre has been working, with a focus on the consequences of the attacks of Boko Haram and the situation in the Central African Republic, and outlines the main activities conducted by the Centre during the reporting period, as well as the challenges it has been facing.

5. From February to July 2015, the Centre temporarily assigned two of its staff members to OHCHR missions deployed from Geneva to assess the human rights situation following the actions of Boko Haram in Cameroon and Nigeria. Another staff member was assigned to the OHCHR office in Burundi, from May to June 2015, and a fourth one to the OHCHR office in the Democratic Republic of the Congo, from May to July, to monitor the human rights situation in the context of elections and to evaluate the impact of technical assistance projects implemented by international actors in the field of human rights. Those important temporary assignments led the Centre to review its work plan.

II. Human rights developments in the subregion

6. During the reporting period, the subregion was significantly affected by the expansion of Boko Haram, the crisis in the Central African Republic and tensions related to the presidential election in Burundi. Other important developments included the political protests in Gabon and the expulsion from the Congo of nationals of the Democratic Republic of the Congo.

A. Impact on human rights of the Boko Haram insurgency

7. During the reporting period, Boko Haram expanded its attacks throughout the subregion, committing grave human rights violations and abuses. Counter-terrorism activities conducted by the Governments of the affected countries allegedly led to human rights violations.

1. Violations committed by Boko Haram

8. Boko Haram attacks included grave violations of human rights and international humanitarian law. In 2014 and 2015, Boko Haram, which had been operating in north-east Nigeria since 2009, committed attacks in Cameroon, including in villages on the border between Cameroon and Nigeria, killing civilians, destroying property and committing other crimes.

9. Government sources indicated that more than 1,000 civilians[1] may have been killed in the far north of Cameroon in attacks by Boko Haram between December 2013 and June 2015, including in areas near and around Amchidé, Bia, Doubei and Magdeme. The attacks have also caused the displacement of more than 80,000 persons, many of whom are facing severe food shortages, with high risks of malnutrition and famine. The region is also home to more than 40,000[2] Nigerian refugees who have fled Boko Haram. Some cases of tensions with the local communities have been reported.

10. In addition, the operations of Boko Haram have had serious economic and social consequences, particularly affecting education, health care, access to water and sanitation, and food security. Much educational infrastructure has been destroyed and schools closed down, resulting in more than 35,000 pupils and students being out of school for an entire year. The attacks by Boko Haram have also disrupted agricultural and other economic activities.

11. Numerous health centres, including 47 providing health services to internally displaced persons, have been affected by Boko Haram attacks. Some were completely closed down[3] in Amchidé, Ashigashia, Fotokol, Guzdal and Koza, according to information provided by the authorities in September 2014. Development projects have been suspended, including the rehabilitation of the Maroua-Kousséri axis along national road No. 1, which connects the seaport of Douala, in Cameroon, to N'Djamena.

2. Allegations of human rights violations committed in the context of counter-terrorism operations

12. As of May 2014, the Government of Cameroon deployed a heavy military presence in the Far North region, where it created a fourth joint military command region and enforced strict security measures. The Government deployed a rapid intervention battalion to lead an operation known as "Alpha" to provide intelligence and combat support to the military operations. Other security measures included the

[1] Figures provided by government officials from northern Cameroon, in July 2015.

[2] Figures provided by the Office of the United Nations High Commissioner for Refugees in July 2015 during a meeting with the Centre.

[3] Some of the centres were closed down for security reasons, others because they were partly damaged by Boko Haram attacks.

reinforcement of the gendarmerie presence in Maroua and new security measures, such as the creation of the forty-third motorized infantry battalion and mounting Operation Emergence 4, led by the army.

13. In early 2014, following claims that Boko Haram was trying to recruit youths in Maroua and surrounding villages, the Cameroonian security forces initiated a crackdown on persons without identification documents, and authorities instituted a dusk-to-dawn curfew from 8 p.m. to 6 a.m. in the whole Far North region.

14. Serious concerns have been raised regarding the conduct of security forces fighting Boko Haram in Cameroon, especially their treatment of civilians. In an encouraging bid to ensure compliance with international human rights norms in the fight against the insurgency, the authorities of Cameroon have requested support from the United Nations, through the Centre, to provide human rights training to their forces deployed to fight Boko Haram. Such training by OHCHR has been integrated as part of the United Nations country team's overall support to the ongoing United Nations response to the situation in the far north of Cameroon.

B. Consequences on human rights of the situation in the Central African Republic

15. The Centre participated in a joint mission to assess the impact of the crisis in the Central African Republic on neighbouring countries, including Cameroon, Chad, the Congo and the Democratic Republic of the Congo. Indeed, those countries have been home to more than 150,000 refugees from the Central African Republic since December 2013.[4]

16. During joint missions with the Special Representative of the Secretary-General for Central Africa to camps hosting refugees from the Central African Republic in East Cameroon, the Centre noted important human rights issues, including the lack of access to water, sanitation and basic health care.

17. The Centre also documented an increased circulation of small arms and light weapons from the Central African Republic and a parallel increase in crime in northern Cameroon, which has been affecting the security of civilians.

18. During an assessment organized by the Office of the United Nations High Commissioner for Refugees (UNHCR) in February 2014, in Cameroon, the Centre identified refugees who had been victims of rape and other forms of violence in the Central African Republic while they were fleeing the conflict. Several gave testimonies of acquaintances that had been killed in the flight and expressed the need for assistance to overcome the hardship that had characterized their displacement.

C. Forced expulsion from the Congo of citizens of the Democratic Republic of the Congo

19. In April and May 2014, the authorities of the Congo expelled more than 100,000 nationals of the Democratic Republic of the Congo, presenting this move as

[4] Figures provided on 12 August 2014 by the UNHCR representative in Cameroon during a meeting with the Special Representative of the Secretary-General for Central Africa and Head of the United Nations Regional Office for Central Africa, Abdoulaye Bathily.

a measure against increased criminality, especially in Brazzaville. According to local human rights organizations and United Nations entities, human rights violations were reportedly committed by security forces of the Congo in the course of the repatriations, including rape and indiscriminate and forceful evictions.

20. In June 2014, the Ministry of Justice of the Congo informed the Centre, further to the latter's request, that several police officers suspected of having committed violations against nationals of the Democratic Republic of the Congo during the expulsions had been suspended and that investigations had been opened. However, the Centre could not confirm that the alleged perpetrators were prosecuted, despite its follow-up with the relevant authorities.

III. Activities of the Centre from 1 January 2014 to 31 July 2015

21. During the reporting period, the Centre organized its activities around five of the six OHCHR thematic priorities (namely: widening the democratic space; integrating human rights in development and in the economic sphere; early warning and protection of human rights in situations of conflict, violence and insecurity; combating impunity and strengthening accountability and the rule of law; and strengthening international human rights mechanisms) and the progressive development of international human rights law and standards.

22. The Centre maintained contact with diplomatic representatives of the Congo, Equatorial Guinea, Gabon, and Sao Tome and Principe accredited with Cameroon, notably by organizing regular briefings for them on planned activities and achievements in their countries. The Centre also provided support to United Nations country teams in the area of human rights in the subregion.

A. Widening the democratic space

1. Participation of vulnerable groups in public life

23. In Gabon, the Centre provided technical assistance, including capacity-building, to the authorities towards the effective implementation of the Convention on the Rights of Persons with Disabilities and the Convention on the Elimination of All Forms of Discrimination against Women.

24. The Centre continued its advocacy and dialogue with the Government of Cameroon for the ratification of the Convention on the Rights of Persons with Disabilities. Although Cameroon has not yet ratified the Convention, it has taken a number of actions to promote it. For example, the number of persons living with disabilities participating in electoral processes increased during the reporting period, partly because polling units were established to facilitate voting by those persons. Furthermore, equipment and infrastructure have been developed to facilitate access to public offices and create a conducive working environment for persons with disabilities.

25. The Centre has actively advocated with national authorities in Cameroon the increased participation in electoral processes of women, indigenous people and people living with disabilities. Electoral processes and bodies increasingly complied with quotas established by law. The number of women in public positions continued

to grow, including in the senate and national assembly, where the required quota of at least 30 per cent of women representatives has been met.

26. A subregional workshop organized in October 2014, in Douala, by the Centre, ECCAS, the International Organization of la Francophonie and the United Nations Office for Central Africa (UNOCA), resulted in the creation of a regional platform for women's political participation. The platform has become a vibrant forum for women leaders in Central Africa. On 28 and 29 July 2015, in Douala, the Centre organized a workshop for women playing a political role at the national level, including members of national assemblies and senates, as well as women from national human rights institutions and civil society, including journalists. Participants discussed progress and challenges in the participation of women in political life.

2. Promotion and protection of fundamental freedoms

27. In Cameroon, the Centre provided advice, training and documentation to parliamentarians, government actors, civil society, media and others on the International Covenant on Civil and Political Rights, with a focus on the promotion of fundamental freedoms, to support their contribution to legislative debates or reforms related to human rights. Following interactive discussions on the Covenant, a multi-actor exchange platform for the promotion and protection of fundamental freedoms was established.

28. In Equatorial Guinea, the Centre maintained dialogue with local authorities on the need to promote public freedoms in law and in practice, which has led to their increased awareness of and commitment to protecting human rights, and to facilitating the Centre's activities in the country. This has also resulted in a greater understanding of the complementarity of the role of the ombudsman and other local actors, including law enforcement officials, as duty bearers. The Government of Equatorial Guinea has increased resources allocated to the National Centre for Human Rights and Democracy, which is a government centre for the promotion of human rights.[5]

3. Protection of human rights defenders

29. In the Congo and Gabon, the Centre trained staff members of the national human rights institutions, law enforcement officers and media actors to carry out activities to promote and protect human rights. Civil society organizations working in the field of human rights shared their experiences with other actors with a view to improving collaboration in the promotion and protection of human rights. With the assistance of the Centre, the national human rights institution of the Congo has been organizing periodic meetings for human rights non-governmental organizations, representatives of the Ministry of Justice and other actors to exchange views on the human rights situation and to enhance cooperation with human rights mechanisms and the implementation of human rights treaties. Those meetings have fostered dialogue and collaboration between the national human rights institution, human rights defenders and the Government to improve the State's implementation of its human rights obligations.

[5] In addition to the National Centre for Human Rights and Democracy, Equatorial Guinea has national human rights institutions.

30. In Gabon, a platform for dialogue between the Ministry of Human Rights, civil society organizations and the National Human Rights Commission was set up in March 2014 with the assistance of the Centre. The platform aims at facilitating consultations among various actors working on the promotion and protection of human rights and at boosting the effectiveness of their actions.

B. Integrating human rights in development and in the economic sphere

31. As a result of the Centre's continuing advocacy and technical support, government authorities and some business enterprises in Cameroon have become increasingly aware of their human rights duties and obligations, as provided in the Guiding Principles on Business and Human Rights laid down by the United Nations. For instance, two business enterprises (Hevecam and Electricity Development Corporation) committed to integrating human rights in their operations, in line with the corporate responsibility to respect those rights.[6] In March 2014 and July 2015, during a field visit in the region of Kribi, the Centre witnessed that Hevecam had built new houses for indigenous people affected by its business activities. A health centre was also constructed and equipped to provide free consultations to indigenous peoples and to employees and their families. In addition, the company ensured access of children of indigenous people to education. Employees of the company are affiliated with the national social security scheme. The company has also established a mechanism for communicating with, consulting and informing indigenous people to ensure their participation in decision-making processes. It is also engaged in the protection of the environment through the practice of zero burning and by ensuring that it does not pollute water sources and air.

32. The forestry law in Cameroon is undergoing review by parliament to take into consideration human rights concerns linked to the activities of business enterprises, which have been raised over time by local civil society and community-based organizations and were discussed at two workshops organized by the Centre in Douala, in June 2014 and April 2015.

33. Those improvements are partly due to the efforts of the media and civil society actors trained by the Centre on the use of the Guiding Principles on Business and Human Rights in monitoring and reporting on activities of enterprises, and informing and communicating with the population, companies and the Government.

34. In the Congo, the Centre has been working with the Government to assess the impact on human rights of the activities of business enterprises, especially in relation to infrastructure projects carried out throughout the country. The Centre also trained media professionals and helped them to produce sensitization programmes on business and human rights for the general public.

35. In Gabon, there has been increased awareness among State actors and the private sector of the duties of States and of corporate responsibility, as detailed in the Guiding Principles on Business and Human Rights. In February 2015, the Centre organized a training to give the various actors the opportunity to better understand those principles.

[6] See the Guiding Principles on Business and Human Rights, unanimously endorsed by the Human Rights Council.

C. Early warning and protection of human rights in situations of conflict, violence and insecurity

36. The Centre continued to participate actively in all subregional coordination mechanisms, notably the United Nations Standing Advisory Committee on Security Questions in Central Africa, meetings of the United Nations country teams in Cameroon, Gabon, the Congo and Sao Tome and Principe, and an ECCAS meeting of Heads of State and Government.

37. The Centre carried out joint missions with UNOCA: two to assess the impact of the crisis in the Central African Republic on Cameroon and the Congo; and one to examine the degree of the threat posed by Boko Haram in Cameroon and Chad. Other initiatives undertaken with UNOCA included the training of civil society actors (media and women political leaders) from the subregion on their role in contributing to peaceful electoral processes.

D. Countering discrimination, in particular racial discrimination, discrimination on the grounds of sex or religion and discrimination against others who are marginalized

38. The Centre provided training to the National Commission on Human Rights and Freedoms of Cameroon on non-discrimination and the protection of vulnerable and marginalized groups. It also provided assistance, including through capacity-building, to enable members of the Commission to better understand the context and obligations of the State under international human rights law. Moreover, the Centre identified areas of possible follow-up in relation to the Convention on the Elimination of All Forms of Discrimination against Women and carried out activities to raise awareness of the need to promote and protect the rights of women.

39. Also in Cameroon, the Centre continued to follow up on the adoption of the family code. Thanks to the assistance provided by the Centre, the family code has been drafted in compliance with international human rights standards and creates conditions for greater enjoyment of human rights for women and children.

40. The Centre sensitized and provided support to the national human rights institution, civil society organizations and other actors to strengthen their cooperation in advocating the ratification of the Convention on the Rights of Persons with Disabilities by Cameroon and its effective implementation.

41. There has been some progress in the Congo towards the implementation of the law on the promotion and protection of the rights of indigenous peoples. Several implementing decrees are currently under consideration by the Ministry of Justice, and the Centre has maintained a constant dialogue with the latter on the subject.

42. Within the framework of the United Nations Indigenous Peoples' Partnership, the Centre assisted the Government of Cameroon in incorporating the cultural needs of indigenous peoples in the educational system. In collaboration with the Ministry of Basic Education, the Centre thus contributed to the development of strategies and methods to adapt the educational programme to the culture and way of life of indigenous peoples. Further to the Centre's advocacy, the Ministry of Education took concrete measures, including the deployment of teachers, to ensure access to education to indigenous peoples located in isolated and remote areas of the country.

43. Furthermore, in line with its endorsement of the United Nations Declaration on the Rights of Indigenous Peoples, the Government of the Congo has undertaken various initiatives, notably the adoption of Act No. 5 - 2011 on the promotion and protection of the rights of indigenous populations. The adoption of the necessary implementing decrees was still pending at the time of reporting.

E. Combating impunity and strengthening accountability and the rule of law

44. In Sao Tome and Principe, the Centre organized a workshop for law enforcement and administration of justice officials and human rights non-governmental organizations, in June 2014, on their cooperation to ensure the effective protection of human rights. The Centre facilitated sustained dialogue and advocacy with high-level authorities, including the President of the Republic and the Minister of Justice, for the increased protection and promotion of human rights.

45. The Centre undertook follow-up activities to the third regional conference on transitional justice, held in Yaoundé, in April 2013. These included a mapping mission to Chad, which resulted in recommendations from civil society organizations, including the association of victims of the Hissen Habré regime, regarding the need for national consultations and sensitization on transitional justice in Chad. Following the mission, the Centre has been promoting national ownership of transitional justice processes in Chad by supporting locally planned initiatives. For example, the Groupe de réflexion pour la paix et le développement au Tchad, a Chadian group composed of transitional justice experts supported by the Government of Switzerland, has worked on elaborating a plan of action with activities to be implemented with technical support from the Centre.

46. In December 2014, in preparation for the Bangui Forum on National Reconciliation, the Centre organized with the Human Rights Division of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic a workshop on transitional justice for civil society actors.

F. Strengthening international human rights mechanisms and the progressive development of international human rights law and standards

1. Ratification of international and regional human rights instruments

47. The Centre provided substantial technical assistance to Cameroon, the Congo, Gabon and Sao Tome and Principe to foster their continued engagement with human rights mechanisms.

48. In March 2014, as a result of the support provided to those countries and sustained advocacy, the Congo and Sao Tome and Principe ratified the Convention on the Rights of Persons with Disabilities and Gabon became the first country in the subregion to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 1 April 2014.

49. The Centre continued advocating with the authorities the ratification of the Convention on the Rights of Persons with Disabilities by Cameroon. It also

advocated the ratification by Cameroon, the Congo, Equatorial Guinea, Gabon, and Sao Tome and Principe of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention on the Protection of All Persons from Enforced Disappearance.

50. The Centre actively and continuously advocates the abolition of the death penalty by countries in the subregion, which continued to observe a moratorium on the death penalty.

2. Reporting to human rights mechanisms and follow-up to their recommendations

51. During the period covered by the present report, the Centre raised the awareness of government authorities, national human rights institutions, civil society organizations and others actors with regard to the establishment of coordinating bodies for reporting to human rights mechanisms and following up on their recommendations. The increased engagement of States in the subregion with international human rights mechanisms is reflected in the growing number of requests to the Centre for technical assistance to support the drafting of reports and the implementation of recommendations.

52. In Cameroon, through training organized by the Centre, officials of the Ministries of Justice, External Relations, Women's Empowerment, and Labour and Social Affairs strengthened their capacities to monitor the implementation of recommendations issued by human rights mechanisms. The Centre has been providing guidance to the Ministry of External Relations on the follow-up to recommendations and concluding observations of human rights mechanisms.

53. Thanks to training and technical support provided by the Centre, during the monthly meetings of the Centre with civil society organizations in Yaoundé, discussions were held on challenges and strategies in the dissemination and implementation of and the follow-up to recommendations of the Human Rights Council, the human rights legal framework at the regional and international levels, and States' engagement with special procedures. Participants proposed joint actions, such as effective consultations with and the involvement of civil society in the elaboration of country reports, implementation monitoring and the establishment of accessible mechanisms for the dissemination of recommendations, including through operational and regularly updated websites. Civil society organizations also agreed to work together to facilitate the dissemination of and follow-up to recommendations.

54. In Gabon, civil society organizations and media professionals examined their role in monitoring the implementation of recommendations of human rights mechanisms, at a workshop organized by the Centre in September 2014. They identified various activities, such as radio programmes, field visits, regular discussions with the National Human Rights Commission and the General Directorate of Human Rights, which would allow them to monitor and advocate the implementation of the recommendations and ensure the accountability of duty bearers. Parliamentarians and relevant government focal points in Gabon and the Congo also examined their role in monitoring and ensuring the effective implementation of recommendations of human rights mechanisms during national workshops organized by the Centre with the Ministries of Justice, in June and September 2014.

3. Cooperation with special procedures and regional human rights mechanisms

55. In 2014, the Government of Cameroon extended a standing invitation to special procedures mandate holders of the Human Rights Council, further to sustained advocacy by the Centre and a recommendation issued during the country's second round of the universal periodic review.

IV. Challenges faced by the Centre

56. The complex security context which has been marking the subregion during the period under review greatly affected the work of the Centre. Staff members from the Centre supported a number of activities to contribute to the United Nations response to the expansion of Boko Haram and other developments in the subregion.

57. There are national human rights commissions in Cameroon, Gabon, Equatorial Guinea and the Congo. However, those institutions generally remained underresourced. In Gabon, some members of the National Human Rights Commission were reported to have been working on a voluntary basis. This situation created additional challenges to the efforts made by the Centre to strengthen their capacities, and risks discouraging rights holders whose complaints cannot be given the required follow-up.

58. Financial resources of the Centre were insufficient to meet all requests for technical assistance received from priority countries to improve their engagement with human rights mechanisms.

V. Conclusions and recommendations

59. **During the reporting period, the Centre was able to provide technical assistance in Cameroon, the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe. It carried out regular missions in those countries, focusing on strengthening the capacities of Governments, civil society organizations and national human rights institutions to develop an effective national human rights protection system.**

60. **The close cooperation between the Centre and countries in the subregion contributed to increasing awareness of human rights among civil society organizations, national human rights institutions and the population, and reinforced the commitment of government authorities to implement their human rights obligations, including the integration of human rights in their programmes.**

61. **In addition to undertaking capacity-building and awareness-raising activities, the Centre provided assistance with legislative, policy and institutional strengthening, and engagement with human rights mechanisms. On the latter point, visits of special procedures mandate holders of the Human Rights Council in the subregion would be welcome, especially in relation to indigenous peoples, human rights and business, human rights defenders, freedom of expression and the independence of the judiciary. The effective presence of the Office of the United Nations High Commissioner for Human**

Rights in the countries covered and continued dialogue with the authorities have generated an increased number of requests for assistance from States.

62. **I recommend that Governments in the subregion continue to support and facilitate the work of the Centre and take concrete steps towards the effective implementation of the human rights treaties that they have ratified, as well as all relevant recommendations from the United Nations human rights mechanisms. Furthermore, subregional organizations should continue to cooperate with the Centre for the protection and promotion of human rights and the development of democracy.**